



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 23, 1993

Charles Karakashian, Jr.  
Texas Department of Public Safety  
5805 N. Lamar Blvd.  
Box 4087  
Austin, Texas 78773-0001

OR93-524

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 20794.

The Texas Department of Public Safety ("DPS") received an open records request for a copy of video tape recording of a DPS trooper's high speed pursuit of a diesel truck tractor. You inform this office that the recording was made by a civilian who was riding in the trooper's automobile during the pursuit. You say in your letter to this office that you consider the requested tape recording to be public information.<sup>1</sup> You inform us, however, that the individual who made the recording while filming a story for "Real Stories of the Highway Patrol" contends that the recording constitutes copyrighted material and therefore may not be reproduced.

The copyright law gives the copyright holder the exclusive right to reproduce his work, subject to another person's right to make fair use of it. 17 U.S.C. §§ 106, 107. A governmental body must allow *inspection* of copyrighted materials unless a section 3(a) exception applies to the information. Attorney General Opinion JM-672 (1987) at 2-3. Also, the requestor may make copies of copyrighted materials unassisted by the state. Attorney General Opinion MW-307 (1981). "Of course, one so doing assumes the risk of a copyright infringement suit." *Id.* at 2.

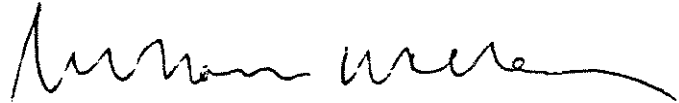
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<sup>1</sup>For purposes of this ruling, this office assumes, without so finding, that the peace officers who appear on the tape have consented to their photographs being made public and thus are not protected by section 3(a)(19) of the Open Records Act. See Open Records Decision No. 502 (1988).

Thus, assuming the requested material is in fact copyrighted, you may allow the requestor to view it, and you may also allow him to reproduce the video tape without your assistance so long as such reproduction would not unreasonably disrupt the department's working conditions. *See* Attorney General Opinion JM-757 (1987). It will be the requestor's responsibility to adhere to the federal copyright law.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Government Section

WW/RWP/jcc

Ref.: ID# 20794  
ID# 20866  
ID# 21224

Enclosure: Videotape

cc: Mr. Benjamin Sessoms, Jr.  
America's Most Wanted  
5151 Wisconsin Ave.  
Washington, D.C. 20016  
(w/o enclosures)